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Attorneys for Plaintiff  
MESA UNDERWRITERS SPECIALTY INSURANCE COMPANY

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

MESA UNDERWRITERS  
SPECIALTY INSURANCE  
COMPANY, a New Jersey Corporation  
Plaintiff,

vs.

BISHOP'S PUMPKIN FARM, INC., a  
California corporation; WAYNE LEE  
BISHOP, an individual; ANN M.  
BISHOP, an individual; WILLIAM  
BISHOP, an individual and as trustee  
of The Bishop Family Living Trust;  
SANDRA BISHOP, an individual and  
as trustee of The Bishop Family Living  
Trust; THE BISHOP FAMILY  
LIVING TRUST,  
Defendants.

CASE NO. 2:21-CV-001834-TLN-JDP

**STIPULATION TO EXTEND  
SCHEDULING ORDER  
DATES; ORDER**

IT IS HEREBY STIPULATED AND AGREED between the parties,  
Plaintiff MESA UNDERWRITERS SPECIALTY INSURANCE COMPANY  
("Plaintiff"), and Defendants BISHOP'S PUMPKIN FARM, INC., WAYNE LEE  
BISHOP, ANN M. BISHOP, WILLIAM BISHOP, SANDRA BISHOP AND THE  
BISHOP FAMILY LIVING TRUST (collectively "Defendants"), by and through  
their respective counsel, as follows:

Gordon Rees Scully Mansukhani, LLP  
633 West Fifth Street, 52nd Floor  
Los Angeles, CA 90071

1 WHEREAS, the instant matter is a declaratory relief action seeking  
2 determination of the parties' rights and obligations, if any, under an insurance  
3 policy issued by Plaintiff to Defendants concerning two pending underlying  
4 actions brought by tort claimants against Defendants;

5 WHEREAS, the two underlying actions are pending in Yuba County  
6 Superior Court and involve claims for bodily injuries arising out of an alleged  
7 *E.coli* O157:H7 outbreak at Defendants' pumpkin farm in October 2016  
8 ("Underlying Litigation");

9 WHEREAS, Plaintiff filed its complaint on October 4, 2021 and Defendants  
10 filed their answer to the complaint on January 12, 2022;

11 WHEREAS, on September 1, 2022, the parties filed cross-motions for  
12 summary judgment, alternatively for partial summary judgment ("Motions")  
13 asking for a judicial determination of their respective rights and obligations, if any  
14 under the applicable insurance policy issued to Defendants regarding claims  
15 asserted against Defendants in the Underlying Litigation (Dkt.#s 16 and 19);

16 WHEREAS, on September 15, 2022, the parties, respectively, filed  
17 Oppositions to the Motions (Dkt.#s 21 and 22);

18 WHEREAS, on September 16, 2022, the court issued a Minute Order  
19 advising the parties that the parties' Cross-Motions for Summary Judgment were  
20 submitted without oral argument and vacating the hearing set for 10/6/2022  
21 (Dkt.#23);

22 WHEREAS, on September 26, 2022, the parties, respectively, filed Reply  
23 Memoranda to the Oppositions (Dkt.#s 24 and 25);

24 WHEREAS, to date, the court has not yet issued a ruling on either of the  
25 Motions, nor requested oral argument or supplemental briefing;

26 WHEREAS, prior to filing the Motions, the parties exchanged documents in  
27 lieu of formal discovery and prepared a Joint Stipulation of Facts for purposes of  
28 the Motions, but have undertaken no other formal discovery in this case, including

depositions;

WHEREAS, the Court's Initial Scheduling Order (Dkt.#4), as modified by the parties' Stipulation and Court Order (Dkt.#s 14 and 15), establish the following timeline for the instant matter:

Discovery Cut-Off	December 9, 2022
Expert Disclosure	February 7, 2023
Supplemental Expert Designation	March 9, 2023
Joint Notice of Trial Readiness	April 7, 2023

WHEREAS, the parties wish to forego unnecessary expense and effort to complete discovery, including witness and expert depositions, pending a ruling on the Motions that otherwise will be necessary if this case is tried to a jury;

WHEREAS, this Stipulation is not made for purposes of delay, but to promote judicial economy and efficient resolution of this matter. This is the second requested modification of this Court's October 4, 2021 Scheduling Order and follows the parties' filing of the Motions;

WHEREAS, the undersigned counsel hereby stipulate, with the Court's consent, to continue the above deadlines set in accordance with the Court's October 4, 2021 Scheduling Order by ninety (90) days, and as follows:

Discovery Cut-Off	March 9, 2023
Expert Disclosure	May 8, 2023
Supplemental Expert Designation	June 7, 2023
Joint Notice of Trial Readiness	July 7, 2023

1 SO STIPULATED AND AGREED TO BY ALL PARTIES:  
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3  
4 Dated: November 3, 2022

GORDON REES SCULLY  
MANSUKHANI, LLP

5  
6 By: Margret Parke  
Asim Desai  
7 Margret G. Parke  
8 Attorneys for Plaintiff  
9

10 Dated: November 3, 2022

GURNEE MASON RUSHFORD  
CONOTTO & FORESTIERE LLP

11  
12 By: Candace H. Shirley  
13 Steven H. Gurnee  
14 Candace H. Shirley  
15 Attorneys for Defendants  
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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

MESA UNDERWRITERS SPECIALTY )  
INSURANCE COMPANY, a New )  
Jersey Corporation )

Plaintiff, )

vs. )

BISHOP'S PUMPKIN FARM, INC., a )  
California corporation; WAYNE LEE )  
BISHOP, an individual; ANN M. )  
BISHOP, an individual; WILLIAM )  
BISHOP, an individual and as trustee of )  
The Bishop Family Living Trust; )  
SANDRA BISHOP, an individual and as )  
trustee of The Bishop Family Living )  
Trust; THE BISHOP FAMILY LIVING )  
TRUST, )

Defendants. )

CASE NO. 2:21-CV-001834-TLN-JDP

**ORDER GRANTING  
STIPULATION TO EXTEND  
DATES IN INITIAL  
SCHEDULING ORDER**


**ORDER**

The parties' having filed a Stipulation to Extend Scheduling Order Dates and GOOD CAUSE appearing therein, the Court finds GOOD CAUSE to extend the dates set in accordance with the Court's Initial Scheduling Order is granted.

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IT IS SO ORDERED.

Dated: November 3, 2022

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Troy L. Nunley  
United States District Judge

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